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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/706,481 | 11/10/2003 | Richard R. Sanchez | KMC-570 | 7941 |
| 7590 | 09/26/2005 | | EXAMINER | |
| Darrell F. Marquette 2201 W. Desert Cove Phoenix, AZ 85029 | | | HUNTER, ALVIN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3711 | |

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/706,481 | Applicant(s) SANCHEZ ET AL. | |
| | Examiner Alvin A. Hunter | Art Unit 3711 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims do not set forth that the method involves different club heads.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496).

Regarding claim 1, Wahl implicitly discloses a method of manufacturing a golf club head, comprising forming a club head body comprising a hollow body having a face adapted for impacting a golf ball, wherein the club head body further comprising a body surface having a weight cavity formed therein. The weight cavity being defined by a side wall and a bottom wall; providing a plurality of balance weights, wherein each of the

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plurality of balance weights having an upper surface, a lower surface and a lateral side joining the upper surface and the lower surface; selecting one of the plurality of balance weights; attaching one of the plurality of balance weights rigidly via the intermediate layer, to the club head body within weight cavity; the selecting a cover wherein the cover comprising an outer surface, an inner surface and a perimeter wall; and attaching the cover to the club head body so that the cover substantially covers one of the plurality of balance weights (See Figures 5A and 5B). Applicant does not disclose why it is critical to having a plurality of covers for one club head. Applicant notes that each cover identifies the type of club used. One having ordinary skill in the art would have found the cover of Wahl et al. to perform equally as well since the primary objective of the cover is to conceal the weights and therefore, would have been obvious to use any type of cover because of such.

Regarding claim 2, Wahl et al. discloses the plurality of balance weights comprise weights of differing mass (See Column 5, lines 28 through 65).

Regarding claim 3, Wahl et al. discloses the plurality of balance weights comprise weights of differing densities (See Column 5, lines 28 through 65).

Regarding claim 4, Wahl et al. discloses the attaching of one of the plurality of balance weights to the club head body within the weight cavity comprises bonding the lateral side of one of the plurality of balance weights to the side wall of the cavity via the intermediate layer (See Figure 5A and 5B).

Regarding claim 5, Wahl et al. discloses the attaching of one of the plurality of balance weights to the club head body within the weight cavity comprises bonding the

lower side of one of the plurality of balance weights to the side wall of the cavity via the intermediate layer (See Figure 5A and 5B).

Regarding claim 11, Wahl et al. discloses a golf club head comprising a club head body comprising a hollow body having a face adapted for impacting a golf ball, said club head body further comprising a body surface having a weight cavity formed therein, the weight cavity being defined by a side wall and a bottom wall; a balance weight disposed within said weight cavity and rigidly attached to said club head body via the intermediate layer, said balance weight selected from a plurality of balance weights, each of said plurality of balance weights having an upper surface, a lower surface and a lateral side joining the upper surface and the lower surface, said plurality of balance weights comprising weights having different masses; a cover selected from a plurality of covers and attached to said club head body so that said selected cover substantially covers said balance weight, each of said plurality of covers having an outer surface, an inner surface and a perimeter wall (See Figures 5A and 5B).

Regarding claim 12, Wahl et al. discloses the plurality of balance weights comprise weights of differing densities (See Column 5, lines 28 through 65).

Regarding claim 15, Applicant does not disclose why the club head being a wood is critical in order to attain the invention. Furthermore, applicant notes that the invention should not be limited thereto (See Page 4, first paragraph under the Detailed Description). One having ordinary skill in the art would have found it obvious to having any style of club head so long as it is hollow, has a weight cavity, weights, and a cover in order to optimize the center of gravity to that desired by the user.

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2. Claims 7-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 681 1496) in view of Peterson (USPN 6162133).

Regarding claim 7 and 13, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Peterson discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Abstract', Figure 3., Column 5, lines 47 through 67 and Column 6, lines 1 through 3).

One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Peterson, in order to releasably secure the weights within the club head.

Regarding claim 8 and 9, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Peterson discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Abstract', Figure 3., Column 5, lines 47 through 67 and Column 6, lines 1 through 3). The combination would imply that the cavity has a floor and reveal. One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Peterson, in order to releasably secure the weights within the club head.

Regarding claim 10, the combination as applied to claim 8 and 9 implies that the cover is bonded to the cover cavity.

3. Claims 6-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496) in view of Ahu et al. (USPN 6015354).

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Regarding claim 6, Wahl et al. does not disclose the weights being secured to the balance weight with screws. Ahu et al. discloses a golf club head having weights secured by screws (See and Figures 8-10 and Column 5, lines 12 through 41). One having ordinary skill in the art would have found it obvious to incorporate screws, as taught by Ahu et al., into Wahl et al. in order to further secure the weights to the club head.

Regarding claims 7 and 13, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Ahu et al. discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Figure 18 and Column 6, lines 39 through 55). One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Ahu et al., in order to releasably secure the weights within the club head.

Regarding claim 8 and 9, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Ahu et al. discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Figure 18 and Column 6, lines 39 through 55). The combination would imply that the cavity has a floor and reveal. One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Ahu et al., in order to releasably secure the weights within the club head.

Regarding claim 10, the combination as applied to claim 8 and 9 implies that the cover is bonded to the cover cavity.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496) in view of Evans et al. (USPN 6409612).

Regarding claim 14, Wahl et al. does not disclose having information on the cover. Evans et al. discloses a golf club head having a weight cover having indicia including the model designation thereon (See Figure 1). One having ordinary skill in the art would have found it obvious to place indicia thereon, as taught by Evans et al., in order to identify the club head and aesthetic appearance.

Response to Arguments

Applicant's arguments filed March 21, 2005 have been fully considered but they are not persuasive. Applicant argues that Wahl et al. requires the weights within the club head to move wherein the applicant cites Column 2, lines 54 through 62 as evidence. The examiner disagrees. Column 2, lines 54 through 62 simple implies that the core is separated from the body by the intermediate layer. Furthermore, the figures cited in the instant and previous office action show that the weights are incapable of moving.

Furthermore, the applicant argues that the club head of Wahl et al. does not discloses providing balancing weights. The examiner disagree. Wahl et al. clearly shows a plurality of weight being used; therefore, if the invention requires a plurality of weights, one skilled in the art would obvious conclude that a plurality of weight must be provided to use the invention.

In light of Wahl et al. and the arguments set forth by the applicant, the above office action has been furnished.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin A. Hunter, Jr.



STEPHEN BLAU
PRIMARY EXAMINER